

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 8

January 10, 1995, 3:13 p.m.
Page S-709 Temp. Record

CONGRESSIONAL ACCOUNTABILITY ACT/Views of Hill Job Seekers

SUBJECT: Congressional Accountability Act of 1995 . . . S. 2. Dole motion to table the Leahy amendment No. 11.

ACTION: MOTION TO TABLE AGREED TO, 79-20

SYNOPSIS: Pertinent votes on this legislation include Nos. 2-7, 9-11, and 13-14.

As introduced, S. 2, the Congressional Accountability Act of 1995, will extend 11 civil rights and labor laws to the Senate, the House of Representatives, and the instrumentalities of Congress.

The Leahy amendment would add the following, "No congressional organization affiliated with the Congress, may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested."

During debate, Senator Dole moved to table the Leahy amendment. The motion to table is not debatable; however, some debate preceded the making of the motion. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Argument 1:

We share none of the horror that has been expressed by some Senators at the revelation that a Republican job bank sought the policy views of job applicants who wish to hold jobs on the Hill. Such questioning is legal, ethical, and advisable. Those Senators who say that no private sector employer could solicit such views are just plain wrong. Political questions are rarely asked in the private sector only because they are usually irrelevant—for example, a pilot's opinion on Roe v Wade or welfare reform has nothing to do with his ability to fly a plane. For jobs that deal with specific policy issues, though, the views of prospective employees on those issues are very relevant. Environmental groups, for example, wish to hire dedicated environmentalists, feminist groups wish to hire

(See other side)

YEAS (79)			NAYS (20)		NOT VOTING (1)	
Republicans (53 or 100%)	Democrats (26 or 57%)		Republicans (0 or 0%)	Democrats (20 or 43%)	Republicans (0)	Democrats (1)
Abraham	Hutchison	Baucus		Akaka		Rockefeller- ²
Ashcroft	Inhofe	Biden		Boxer		
Bennett	Jeffords	Bingaman		Bryan		
Bond	Kassebaum	Bradley		Campbell		
Brown	Kempthorne	Breaux		Conrad		
Burns	Kyl	Bumpers		Daschle		
Chafee	Lott	Byrd		Feingold		
Coats	Lugar	Dodd		Ford		
Cochran	Mack	Dorgan		Glenn		
Cohen	McCain	Exon		Harkin		
Coverdell	McConnell	Feinstein		Inouye		
Craig	Murkowski	Graham		Johnston		
D'Amato	Nickles	Heflin		Kennedy		
DeWine	Packwood	Hollings		Kohl		
Dole	Pressler	Kerrey		Leahy		
Domenici	Roth	Kerry		Levin		
Faircloth	Santorum	Lautenberg		Murray		
Frist	Shelby	Lieberman		Pell		
Gorton	Simpson	Mikulski		Sarbanes		
Gramm	Smith	Moseley-Braun		Wellstone		
Grams	Snowe	Moynihan				
Grassley	Specter	Nunn				
Gregg	Stevens	Pryor				
Hatch	Thomas	Reid				
Hatfield	Thompson	Robb				
Helms	Thurmond	Simon				
	Warner					

EXPLANATION OF ABSENCE:

1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

feminists, pro-life groups wish to hire pro-lifers, et cetera. To suggest that such a group must hire any competent individual who applies regardless of how hostile he or she may be to the goals of the organization is ridiculous. It is even more ridiculous to suggest such a policy for Congress. Some more liberal Members during this debate have claimed that they themselves apply such a policy, but we are very skeptical. We would be very surprised, for example, to hear that they had members of the John Birch Society drafting their bills. Members need to have staff with at least some ideological compatibility. Our colleagues' opinion that people are so enthusiastically dedicated to the idea of working in the democratic process that they will assiduously and loyally work to implement policies that they vehemently disagree with and abhor is nonsense. People do not enjoy working to destroy everything they hold dear because they are doing so within the democratic process. A Senate office staffed with people hostile to a Senator's goals will function poorly. Under current Federal law, the only place where viewpoint discrimination is illegal is within the nonpolitical ranks of the executive branch. Here, the intent is to avoid corrupting the bureaucratic ranks with the spoils system of government. That prohibition, of course, is only for career employees--the President has every right, and indeed the responsibility to the voters who elected him, to seek ideologically compatible political appointees to implement his policies. We should not pretend that legislative branch employees are interested only in the efficient administration of government and not at all with working to advance policies that they support. Legislative branch employees are usually highly dedicated individuals who wish to work tirelessly for Members to advance views they hold in common. It is in the best interests of both Members and prospective employees, therefore, that care be taken to make sure that they are ideologically compatible. The Leahy amendment, in sum, is utterly wrong to question the viewpoint questioning of prospective employees. We therefore strongly urge that it be tabled.

Argument 2:

We have not given this amendment more than cursory attention nor do we intend to. It does not belong on this bill. The Senate is now in the fourth day of debate on a bill that the House passed in 40 minutes. During these four days, not one amendment has been offered on the substance of S. 2. If we accept amendments on different topics, passage of this bill will be slowed. Delays are unacceptable. Therefore, we urge the tabling of this amendment.

Those opposing the motion to table contended:

It recently came to our attention that the House Republican Study Committee has a job bank for which applicants are required to fill out a detailed questionnaire on their political views. The stated purpose in asking these questions is to assist in placing job-seekers in ideologically compatible offices. This questionnaire smacks of McCarthyism. No private sector employer would be able to get away with asking prospective employees their views on abortion, AIDS, school prayer, or similar topics. We do not know if this ideological litmus test is legal under Federal laws or congressional rules, but we do know that it is wrong. The damage that can be done to public comity by the type of witch hunts conducted during the McCarthy era is extreme. We do not want to return to the era of loyalty oaths. Americans who want to serve their country by working in a congressional office should be hired according to their commitment to service, not to their views. Republicans and Democrats alike should hire the best people, regardless of their politics. This amendment embodies that principle, and hence merits our support.